

Public Notice

Adjacent Property Owner's Name
 Address
 City, State, Zip Code

Date_____

Indiana Code 14-11-4 was enacted to ensure that adjacent property owners are notified of permit applications and provided with an opportunity to present their views to the Department of Natural Resources prior to action.

Under the legislation, the applicant or agent is responsible for providing notice to the owner of the real property owned by a person, other than the applicant, which is both of the following: 1.) located within one-fourth (1/4) mile of the site where the licensed activity would take place, and 2.) has a border or point in common with the exterior boundary of the property where the licensed activity would take place. Included is property which would share a common border if not for the separation caused by a roadway, stream, channel, right-of-way, easement, or railroad.

Due to your proximity to the project site, you are considered to be an adjacent property owner; therefore, notice is being provided in conformance with the provisions of IC 14-11-4 and 312 IAC 2-3.

Applicant's Name, Address, and Telephone

Agent's Name, Address, and Telephone

Stream or Lake Name_____

Project Description and Location_____

Check relevant Statute or Rule:

- ☐ Flood Control Act, IC 14-28-1
- ☐ Lake Preservation Act, IC 14-26-2
- ☐ "Ditch Act", IC 14-26-5
- ☐ Channels Act, IC 14-29-4
- ☐ Removal of Sands or Gravel, IC 14-29-3

Questions relating to the project should be directed to:

Applicant (or Agent) Name
 Mailing Address
 City, State, Zip Code
 Telephone Number

You may request an informal public hearing, pre-AOPA (Administrative Orders and Procedures Act) hearing, on this application by filing a petition with the Division of Water. The petition must conform to administrative rule 312 IAC 2-3-4 as follows:

- (a) This section establishes the requirements for a petition to request a public hearing under IC 14-11-4-8(a)(2).
- (b) The petition shall include the signatures of at least twenty-five (25) individuals who are at least eighteen (18) years of age and who reside in the county where the licensed activity would take place or who own real property within one (1) mile of the site of the proposed or existing licensed activity.
- (c) The complete mailing addresses of the petitioners shall be typed or printed legibly on the petition.

- (d) Each individual who signs the petition shall affirm that the individual qualifies under subsection (b).
- (e) The petition shall identify the application for which a public hearing is sought, either by division docket number (application number) or by the name of the applicant and the location of the project.

A pre-AOPA public hearing on the application will be limited to the Department's authority under the permitting statutes. Only the issues relevant to the Department's jurisdiction directly related to this application for construction will be addressed. Under permitting statutes, the Department has no authority in zoning, local drainage, burning, traffic safety, etc.; therefore, topics beyond the Department's jurisdiction will not be discussed during the public hearing.

The Department's jurisdiction under the Flood Control Act is confined to the floodway of the stream and its review limited to the following criteria.

To be approvable a project must demonstrate that it will:

- (a) not adversely affect the efficiency or unduly restrict the capacity of the floodway; defined as, the project will not result in an increase in flood stages of more than 0.14 feet above the base 100-year regulatory flood elevation.
- (b) not constitute an unreasonable hazard to the safety of life or property; defined as, the project will not result in either of the following during the regulatory flood: (1) the loss of human life, (2) damage to public or private property to which the applicant has neither ownership nor a flood easement;
- (c) not result in unreasonably detrimental effects upon fish, wildlife or botanical resources.

Additionally, the Department must consider the cumulative effects of the above items.

The Department's jurisdiction under the Lakes Preservation Act is confined to the area at or lakeward of the shoreline of the lake and any impact which the project may have on:

- (a) the natural resources and/or scenic beauty of the lake;
- (b) the water level or contour of the lake below the waterline;
- (c) fish, wildlife or botanical resources.

Additionally, the department must consider the cumulative effects of the above items.

A request for a pre-AOPA public hearing or notice of initial determination pursuant to 312 IAC 2-3 should be addresses to:

Technical Services Section
Division of Water
Department of Natural Resources
402 West Washington Street, Room W264
Indianapolis, Indiana 46204-2641
Telephone: (877) 928-3755 or (317) 232-4160

You may also request that the Department notify you in writing after an initial determination is made to issue or deny the permit. Following the receipt of the approval or denial notice, you may request administrative review of the determination by the Natural Resources Commission under IC 4-21.5 and 312 IAC 3-1. This request should be addressed to :

Division of Hearings
Natural Resources Commission
402 West Washington Street, Room W272
Indianapolis, Indiana 46204
Telephone: (317) 232-4699